

THE HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GORDON HEMPTON,

Plaintiff,

v.

POND5 , INC., a Delaware Corporation;
and POND5 USER CKENNEDY342, a
corporation or individual of type unknown,

Defendants.

NO. 3:15-cv-05696-BJR

DECLARATION OF ROGER M.
TOWNSEND IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER
GRANTING SUMMARY JUDGMENT
(DKT. 49)

Roger M. Townsend states:

I am an attorney licensed to practice before the courts of the State of Washington. I represent Plaintiff Gordon Hempton. I have personal knowledge of the facts stated herein and am competent to testify to these facts.

1. Attached hereto as **Exhibit 1** is a true and correct copy of Paul Virostek's Expert Witness Report.

2. Attached hereto as **Exhibit 2** is a true and correct copy of the August 16, 2016 deposition transcript of Thomas Crary at pertinent pages.

3. Attached hereto as **Exhibit 3** is a true and correct copy of an email dated August 2, 2016 attaching spreadsheet PON000539.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DECLARATION OF ROGER M. TOWNSEND IN
SUPPORT OF PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ORDER GRANTING
SUMMARY JUDGMENT (DKT. 49) - 1

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1 Dated this 7th day of November, 2016 in Seattle, Washington.

2 BRESKIN JOHNSON & TOWNSEND, PLLC

3 By: s/Roger M. Townsend
4 Roger M. Townsend, WSBA # 25525
5 1000 Second Avenue, Suite 3670
6 Seattle, WA 98104
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on November 7, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Jamie Telegin
Jamie Telegin, Legal Assistant